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sustained to a bill, the court did not err in refusing an amendment stating facts which were known, or might have been known, to plaintiffs prior to the argument of the demurrer.

[Ed. Note.—For other cases, see Pleading, Cent. Dig. §§ 635, 653-675; Dec. Dig. § 245.\*]

Appeal from Chancery Court of Richmond.

Action by N. W. Bowe and others, against Elizabeth S. Scott and others. From a decree sustaining demurrers to the bill, and overruling plaintiffs' motion to file an amended bill, and dissolving an injunction previously awarded, and dismissing the bill, plaintiffs appeal. Affirmed. (Keith, P. and Cardwell, J., absent.)

*R. E. Byrd and David Meade White*, for appellants.

*Page & Leary, Braxton & Eggleston, Leake & Buford*, and *H. R. Pollard*, for appellees.

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BONOS *v.* FERRIES CO.

June 13, 1912.

[75 S. E. 126.]

**1. Trial (§ 152\*)—Demurrer to Evidence—Party Having Burden of Proof.**—One, though having the burden of proof, may demur to the evidence; the question still being whether, after disregarding all his evidence in conflict with that of demurree, there remains enough to entitle him to judgment.

[Ed. Note.—For other cases, see Trial, Cent. Dig. § 349; Dec. Dig. § 152.\*]

**2. Trial (§ 154\*)—Demurrer to Evidence.**—The degree of particularity with which a demurrer to evidence must state the ground thereof depends on the character of the case, and it is enough that it fully advises demurree of demurrant's contention.

[Ed. Note.—For other cases, see Trial, Cent. Dig. §§ 351, 353; Dec. Dig. § 154.\*]

**3. Ferries (§ 17\*)—Leases—Land Included.**—A lease of ferries and all other property of the lessors now used, "or subject to be used," for the uses and purposes of said ferries, includes land liable to be used for ferry purposes, though not already actually so used.

[Ed. Note.—For other cases, see Ferries, Cent. Dig. § 41; Dec. Dig. § 17.\*]

Error to Corporation Court of Norfolk.

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\*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

Action by the Ferries Company against George Bonos. Judgment for plaintiff. Defendant brings error. Affirmed.

*E. R. Baird, Jr., S. M. Brandt, and W. H. Moreland*, for plaintiff in error.

*R. R. Hicks*, for defendant in error.

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HAWSE *v.* FIRST NAT. BANK OF PIEDMONT, W. VA.

June 13, 1912.

[75 S. E. 127.]

1. **Bills and Notes (§ 497\*)—Ownership—Evidence.**—While possession of a note regular on its face is prima facie evidence of ownership and that it has been taken in good faith for value, when that presumption is rebutted, the burden falls on the holder to show that he is the owner in good faith for value.

[Ed. Note.—For other cases, see Bills and Notes, Cent. Dig. §§ 1675-1687; Dec. Dig. § 497.\*]

2. **Evidence (§ 466\*)—Testimony Affecting Note—Admissibility.**—In an action by a bank against one of several joint indorsers on a note, testimony was admissible for defendant to show that his liability was released because of the action of the bank in releasing its president, who was a joint indorser with him.

[Ed. Note.—For other cases, see Evidence, Cent. Dig. § 2145; Dec. Dig. § 466.\*]

3. **Trial (§ 253\*)—Instruction—Ignoring Defenses.**—In an action against one of several joint indorsers on a note, an instruction that judgment could be given against one indorser alone for the entire principal, that evidence tending to show any less or different liability of defendant than that appearing on the face of the note must be disregarded, etc., was erroneous, as ignoring a defense that defendant was released because plaintiff bank released its president, who was a joint indorser.

[Ed. Note.—For other cases, see Trial, Cent. Dig. §§ 613-623; Dec. Dig. § 253.\*]

Error to Circuit Court of City of Richmond.

Action by the First National Bank of Piedmont, W. Va., against A. L. Hawse. Judgment for plaintiff, and defendant brings error. Reversed. (Cardwell, J., absent.)

*Emmett Seaton and Meredith & Cocke*, for plaintiff in error.  
*Thomason & Minor*, for defendant in error.

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\*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.